

# **APPENDIX X**

## **U.S. Fish and Wildlife Service Concurrence**





*Tracy*  
*Kay*

United States Department of the Interior  
FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES  
MONTANA FIELD OFFICE  
100 N. PARK, SUITE 320  
HELENA, MONTANA 59601  
PHONE (406) 449-5225, FAX (406) 449-5339

FM	SS
ASSOCIATE FM	PAO
RESOURCES	LE
MONUMENT	HAVRE
FIRE	FORT BENTON
OTHER	
USDI-BLM LEWISTOWN FIELD OFFICE RECEIVED	

JAN 27 2006

Action
Coord. by
Date
Copies for

M.02 - BLM

January

Memorandum

To: Field Manager, Bureau of Land Management, Lewistown Field Office, Lewistown, Montana

From: Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, Helena, Montana *R. Mark Wilson*

Subject: Upper Missouri River Breaks National Monument Draft Resource Management Plan and Environmental Impact Statement Biological Assessment

This is in response to your December 13, 2005 letter, received by the U.S. Fish and Wildlife Service (Service) on December 14, 2006 transmitting the biological assessment for the proposed Missouri River Breaks National Monument Draft Resource Management Plan which assess effects on the bald eagle (*Haliaeetus leucocephalus*), black-footed ferret (*Mustela nigripes*), and pallid sturgeon (*Scaphirhynchus albus*) on Bureau of Land Management (BLM) lands within the Upper Missouri River Breaks National Monument. The proposed plan will guide all BLM activities on these lands for approximately the next 15 years.

In your biological assessment you determined that the Missouri River Breaks National Monument Draft Resource Management Plan may affect, but is not likely to adversely affect the bald eagle, black-footed ferret, and pallid sturgeon. You have also determined that the project will have no effect on the endangered gray wolf, threatened grizzly bear, threatened Canada lynx, and threatened piping plover. When BLM makes a "no effect" determination, concurrence from the Service is not required, but we do appreciate having the information for our records.

The Service concurs with the determination of may affect, not likely to adversely affect the bald eagle, black-footed ferret, and pallid sturgeon. The Service bases this concurrence on information displayed in the biological assessment, supporting documentation obtained during meetings with your staff and cooperators, and numerous discussions and correspondences with BLM personnel. We view several conservation measures included in your proposal to be important to ensure that adverse effects to listed species do not occur, among these are:

- Your commitment to allowing no new construction activities within ½ mile of bald eagle nests
- Your commitment to manage bald eagles according to the Montana Bald Eagle Management plan of 1994
- Your commitment to require that all new power line right-of-way permits will stipulate

that raptor safe construction, as outlined in Avian Power Line Interaction Committee (1996), is required for new above-ground power lines

- Your commitment to survey for black-footed ferrets prior to ground disturbing activities occurring on any portion of prairie dog complexes over 80 acres in area

With strict adherence to these conservation measures, and other project design features contained in your biological assessment and draft environmental impact statement, we anticipate no adverse effects to bald eagles, black-footed ferrets, and pallid sturgeon will result from activities authorized by the proposed resource management plan.

This concludes informal consultation pursuant to regulation 50 CFR Part 402, Interagency Cooperation-Endangered Species Act of 1973, as Amended. This project should be reanalyzed if new information reveals additional effects of the action that may impact listed species or if the project is modified in a manner that causes an effect not considered in this consultation.

The Service recognizes and values the ongoing effort by the Lewistown Field Office to conserve native species and move threatened species toward recovery. We also appreciate your participation on the Level 1 and Level 2 teams.

If you have further questions about this letter or your responsibilities under the Endangered Species Act, please contact me or Shawn Sartorius of my staff at 406-247-7369.